IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.638 OF 2007

Pankaj Sitaram Rathod ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.V.V.Purvant Advocate for Applicant
Mr.S.R.Shinde A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 13, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.2 of 2007 Vijapur Naka Police Station, Solapur. The said case is mainly under Section 376 of IPC.

3. It is the prosecution case that the applicant had kidnapped the prosecutrix and committed rape on her. It is the prosecution case that the applicant

was in love with the prosecutrix i.e. daughter of the complainant. He explained this fact to the family members of the prosecutrix and expressed his desire to marry the prosexutrix. The statement of the prosecutrix shows that she left her house to accompany the applicant to Tuljapur where the applicant and she stayed in a lodge. It is alleged by the complainant that there the applicant committed rape on her daughter. However, the prosecutrix has stated that she was fed up on account of harassment of her family member, hence, she left the house and went with the applicant. No doubt the prosecutrix was 4 days below 16 years of age at the time of the incident. however, it appears that prosecutrix knew the nature and implication of her act. In this view of the matter, I am inclined to grant bail to the applicant.

4. The applicant to be released on bail in the sum of Rs.15,000/- (Rs.fifteen thousand only) with one or two sureties to make up the said amount in C.R.No.2 of 2007 of Vijapur Naka Police Station, Solapur. The applicant shall not enter into the commissionerate area of Solapur except for

attending the dates in the trial Court. Before being released on bail, I.O. shall be informed the address at the applicant is going to reside while on bail. The applicant shall report to the police station nearest to that address once in a fortnight till the conclusion of trial.

5. Application is disposed of.

[Smt. V.K.Tahilramani, J.]